IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C.R.No.6184 of 2006
Date of Decision : November 21, 2006.

Charanjit Kaur ..... Petitioner

Vs.

Raja Singh and others ..... Respondents

Coram : Hon'ble Mr.Justice P.S.Patwalia

* * *

Present : Mr.Balbir Singh, Advocate
for the petitioner.

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P.S.Patwalia, J. (Oral) :

The present revision petition has been filed challenging the order dated 11.10.2006 vide which an application for amendment filed by the petitioner, plaintiff in the suit has been declined. The petitioner wished to amend the plaint so as to exclude her claim from various khasra numbers mentioned in the plaint except khasra no.33/1. Learned counsel for the petitioner has contended before me that the petitioner is only claiming 8 kanals of land from out of the aforesaid khasra number.

The trial court has declined the amendment on the ground that the trial in the case has already ended and the same is ripe for arguments and final disposal. The application has been filed after 10 years when the trial in the case has already concluded. It is in this view of the matter that the amendment was disallowed.

Having heard the learned counsel for the petitioner and gone through the order of the trial court, I find no error in the view taken by the

trial court. Merely if the petitioner has mentioned excess khasra numbers in the prayer, it would not prejudice her claim if she claims her share only from out of khasra number 33/1. It is only the relief claimed which may or may not be granted by the trial court. Thus I find that no prejudice would be caused to the petitioner even if amendment is disallowed and the matter is decided by the trial court on merits.

I therefore find no error in the view taken by the trial court warranting interference by way of the present Civil Revision and the same is accordingly dismissed.

November 21, 2006 (P.S.Patwalia)
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